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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/016,413

12/10/2001

Yun Lung Chen

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25859

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05/07/2004

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EXAMINER

TRAN, HANH VAN

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,413

Applicant(s)

CHEN ET AL.

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is a Non-Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 2/26/2004.
2. The indicated allowability of claims 16-20 is withdrawn in view of the newly discovered reference(s) to US 2003/0081399 to Davis et al, USP 6,053,586 to Cook et al, and USP 5,992,955 to Yang. Rejections based on the newly cited reference(s) follow. Any inconvenience is regretted.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 3, "a plurality of bent tabs extending from a side of the rear plate" should be "a plurality of bent tabs extending from a side of the side panel".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0081399 to Davis et al in view of USP 5,992,955 to Yang, and USP 6,053,586 to Cook et al.

Davis et al discloses a computer enclosure comprising all the elements recited in the above listed claims including, such as shown in Fig 1, a base comprising a bottom plate, a side plate, and opposite front and rear plates extending perpendicularly from three contiguous sides of the bottom plate; a side panel 25 releasably attached to the base with a plurality of engaging devices releasably engaging with side edges of the front, rear and bottom plates; a top panel 10; and a locking mechanism attached to the base, wherein the rear plate comprises a plurality of fixing tabs extending therefrom and cooperatively defining a receiving space therebetween, and the locking mechanism comprises a locking bar 160, such as shown in Figs 6-9, movably received in the receiving space, the locking mechanism movable between a locked position in which the side panel is retained to the base by the locking mechanism, and an unlocked position in which the side and top panels are capable of being independently released from the base, wherein the rear plate defines a plurality of first locking slots 80, the engaging devices comprise a plurality of bent tabs extending from a side of the side panel 25, and the locking bar defining a plurality of second locking slots corresponding to the first locking slots 80 whereby when the locking bar is moved to the unlocked position, the bent tabs are allowed to extend through both the first and second locking slots and when the locking bar is moved to the locked position, the

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bent tabs engages with the second locking slots thereby securing the side panel in position. The differences being that Davis et al does not disclose the top panel releasably attached to the base with a plurality of latch devices engaging with top edges of the front, rear and side plates, such that in the unlocked position of the locking mechanism, the side and top panels are capable of independently released from the base.

Yang teaches the idea of providing a computer enclosure comprising a base having front, rear and side plate, a top panel 40 independently releasably attached to the base with a plurality of latch devices engaging with top edges of the front, rear and side plates, a side panel 30 independently secured to the base, wherein the top panel is capable of independently released from the base in order to allow convenience access to the interior of the enclosure independently. Cook et al teaches the idea of providing a computer enclosure with a locking mechanism such that the locking mechanism movable between a locked position in which two panels are retained to the base by the locking mechanism, and an unlocked position in which both panels are capable of being independently released from the base in order to facilitate access to the interior of the enclosure. Therefore, it would have been obvious to modify the structure of Davis et al by having the top panel being separated from the side plate in order to allow convenience access to the interior of the enclosure independently, as taught by Yang, and to modify the locking mechanism such that the locking mechanism movable between a locked position in which two panels are retained to the base by the locking mechanism, and an unlocked position in which both panels are capable of being independently released from the base in order to facilitate access to the interior of the enclosure, as taught by Cook et al, since the references teach

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alternate conventional computer enclosure structure, used for the same intended purpose, thereby providing structure as claimed.

Allowable Subject Matter

8. Claims 1-15 are allowed.
9. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lai, Dean, Radloff et al, Anderson et al, Hulick et al, HO, Lee, and Tsukamoto all show structures similar to various elements of applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (703) 308-6302. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVT

April 28, 2004



Hanh V. Tran

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